

FINDING OF NO SIGNIFICANT IMPACT
Approval of a Candidate Conservation Agreement with Assurances
for the Gunnison Sage-grouse
Between the Colorado Division of Wildlife and the U.S. Fish and Wildlife Service

The Colorado Division of Wildlife (CDOW) has submitted to the U.S. Fish and Wildlife Service (Service) a completed application for an Enhancement of Survival Permit (Permit) under section 10(a)(1)(A) of the Endangered Species Act (ESA) (CDOW 2005). The requested Permit is associated with an Umbrella Candidate Conservation Agreement with Assurances (CCAA) for the Gunnison sage-grouse (*Centrocercus minimus*). The Permit covers activities by non-Federal landowners in 12 counties in southwestern Colorado to voluntarily allow management of the sage-grouse's habitat and populations. The area of coverage for the CCAA is habitat classified as "occupied," "vacant/unknown," and "potentially suitable" as defined and illustrated in the CCAA and the Gunnison Sage-grouse Rangewide Conservation Plan (Gunnison Sage-grouse Rangewide Steering Committee 2005).

This CCAA is intended to facilitate the management of the sage-grouse and its habitat by giving non-Federal landowners incentives to implement conservation measures thereby providing landowners with regulatory certainty concerning land use restrictions that might otherwise apply to the Gunnison sage-grouse if it is federally listed under the ESA.

The Service has analyzed three alternatives the No Action Alternative, the Proposed Action Alternative, and the Landowner by Landowner Alternative. Under the No Action Alternative, the CCAA would not be approved and the Permit would not be issued. Under the Proposed Action Alternative, the CCAA would be approved and the Permit would be issued to the CDOW. Subsequently, CDOW would include non-Federal landowners under the Permit and CCAA through their signature and participation of conservation measures detailed in a Certificate of Inclusion (CI). Under the Landowner by Landowner Alternative the Service would work directly with non-Federal landowners to sign individual agreements and issue individual CIs under the Permit.

The Proposed Action Alternative was selected over the No Action Alternative and the Landowner by Landowner Alternative because the Service has found that--1) the taking of Gunnison sage-grouse that is incidental would be lawful and in accordance with the terms of the CCAA; 2) the CCAA complies with the requirements of the CCAA policy; 3) the probable direct and indirect effects of any authorized take would not appreciably reduce the likelihood of survival and recovery in the wild of any species; 4) implementation of the terms of the CCAA and Permit is consistent with applicable Federal, State, and tribal laws and regulations; 5) implementation of the terms of the CCAA and Permit would not be in conflict with any ongoing conservation programs for species covered by the Permit; and 6) the CDOW has shown capability for and commitment to implementing all of the terms of the CCAA and Permit.

Expected conservation benefits resulting from these management actions are--1) habitats for the grouse would be protected on non-Federal lands enrolled through CIs; 2) habitat enrolled through CIs would contribute to keeping landscapes intact by protecting currently occupied, vacant/unknown, and potentially suitable habitats, and by precluding future habitat fragmentation for the duration of the CCAA; 3) enrolled land may, if restoration or enhancements are determined to be needed and detailed in the CI, be enhanced by the application of recommended treatments; 4) GUSG conservation would be enhanced by providing ESA regulatory assurances for participating landowners. There would be a significant measure of security for participating landowners in the knowledge that they would not incur additional land use restrictions if the species becomes listed under the ESA in the future; 5) through the CCAA process, there may be State and Federal funding in exchange for utilizing best management practices to protect and enhance GUSG habitat and to sustain and increase GUSG populations.

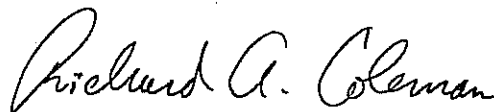
Some adverse effects from take to the sage-grouse may occur from permitted actions. However, any impacts to the species allowed would be mitigated by the benefits of habitat protection, maintenance, enhancement, restoration, and increased abundance as a result of the habitat protections and improvements. This take has been addressed and accounted for in the Service's Conference Opinion. Implementation of the CCAA may result in limited take from agricultural, recreational, and other related activities (e.g., crop cultivation and harvesting, livestock grazing, farm equipment operation, off-road vehicle use) of the participating landowners. Incidental take by landowners enrolled under a CI and the resulting effects to Gunnison sage-grouse are expected to be minimal. Since grouse habitat protection and enhancement measures would be in place on enrolled lands, impacts would be limited to minor disturbance from various agricultural or recreational activities or from activities related to sage-grouse habitat protection or improvement.

The proposal is not expected to have any significant effects on the human environment. Vegetation beneficial for the sage-grouse would benefit through protection, maintenance, enhancement, or restoration efforts. Other vegetation should also benefit or only have minor impacts to it from enhancement or restoration efforts. Wildlife species associated with sagebrush (*Artemisia* spp.) communities should benefit and those less associated or not associated with sagebrush communities (such as wildlife dependent on pinyon (*Pinus edulis*) and juniper (*Juniperus* spp.) communities) would only suffer minor impacts due to the restricted scale of enhancement or restoration efforts. There should be no measurable impact to native fish, including the four Colorado River fishes listed as endangered, or other aquatic species from conservation efforts for the sage-grouse. If anything, aquatic systems should benefit from improved riparian and upland vegetation management. As described in our biological evaluation, there are expected to be no adverse impacts to other endangered, threatened, or candidate species as a result of actions under the CCAA. The proposal is not expected to have any significant adverse effects on wetlands and floodplains, pursuant to Executive Orders 11990 and 11988. Local community and economic effects should not be affected due to funding incentives, as available, and regulatory assurances that take would be allowed under ESA and management actions on the land would continue as agreed to by the landowner. Most of the area covered by the CCAA is private land and not open for public recreation so there is expected to be negligible impact on current recreational activities nor is there current information to suggest that recreational impacts on non-Federal land are impacting the sage-grouse. No significant impacts

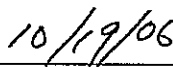
are expected to occur to other resources including air quality, geology and soils, water quality and quantity, visual resources, and cultural and historical resources. A letter was received from the Colorado State Historic Preservation Officer on July 12, 2005 concurring with our finding of no significant impact to cultural resources (see attachment to EA).

The CCAA has been coordinated thoroughly with all interested and/or affected parties. A draft CCAA, Permit application, and draft Environmental Assessment were made available to all interested and/or affected parties on July 6, 2005, for a 60-day public comment period. Several comments were received on the documents and were responded to in our Findings document. Where applicable, changes were addressed in the final Environmental Assessment.

Based on a review and evaluation of the information contained in the Environmental Assessment, it is my determination that the Proposed Alternative, the umbrella CCAA with the CDOW, does not constitute a major Federal action significantly affecting the quality of the human environment under the meaning of section 102(2)(c) of the National Environmental Policy Act of 1969 (as amended). As such, an environmental impact statement is not required. The Environmental Assessment prepared in support of this finding follows this decision.



Deputy Regional Director, Region 6


Date